

REMARKS

This is a Response to the Advisory Action mailed May 31, 2007, and the Office Action mailed December 11, 2006, in which a three (3) month Shortened Statutory Period for Response has been set, due to expire March 11, 2007.

1. After Final Amendment Of May 11, 2007 and RCE

In accordance with 37 U.S.C. 1.114, a Request For Continued Examination (RCE) is filed concurrently with this Amendment so that the Office Action mailed December 11, 2006, is effectively made non-final

The Advisory Action indicates that the Applicants' Amendment of May 11, 2007, have not been entered. Applicants request that the Amendment of May 11, 2007 not be entered or considered as a result of the RCE. Rather, Applicants submit the Amendments herein for entry and consideration.

2. After Final Amendment to Claim 1 by Incorporating the Limitations of Claim 4

In the Office Action, at paragraph 4, claims 1-3 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *Uno et al.* (U.S. Patent 6,449,239), hereinafter *Uno*. At paragraph 4 of the Office Action, the Examiner suggests that the Applicants "can obviate this rejection by folding the limitation of claim 4 into claim 1." Applicants thank the Examiner for his suggestion. Accordingly, Applicants have amended claim 1 to incorporate all of the limitations of claim 4, and have canceled claim 4, in a sincere effort to place the case in condition for immediate allowance. Accordingly, Applicants respectfully request entry after final of the amendments herein and withdrawal of the rejection.

Claims 7, 10, 13, and 19 are amended to depend upon claim 1. Claims 4, 5, 6, 8, 9, 11, 12, 14, 15, 17, 18, 20, 21, 23 and 24 are canceled without prejudice, waiver, or disclaimer. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Claim 25 is newly added.

3. Obviousness-Type Double Patenting Rejections

In the Office Action, claims 1-3 were provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over copending U.S. Patent Application No. 10/406,109, copending U.S. Patent Application No. 10/423,686, copending U.S. Patent Application No. 10/444,172, copending U.S. Patent Application No. 10/425,571, copending U.S. Patent Application No. 10/637,407, copending U.S. Patent Application No. 10/608,814, and copending U.S. Patent Application No. 10/748,979. Claims 1-2, 4-5, 7-8, 10-11, 13-14, 16-17, 19-20, and 22-23 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over copending U.S. Patent Application No. 10/684,981. Claims 1-9 and 19-24 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over copending U.S. Patent Application No. 10/808,628. Claims 1-24 were provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over copending U.S. Patent Application No. 10/818,324, copending U.S. Patent Application No. 10/764,805, copending U.S. Patent Application No. 10/613,525, copending U.S. Patent Application No. 10/612,615, and copending U.S. Patent Application No. 10/792,083. Claims 1-9 and 19-24 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over copending U.S. Patent Application No. 10/808,628.

To assist the Examiner in the prosecution of the instant case, Applicants have reviewed the status of prosecution for the above-identified applications as of **June 11, 2007**. The status of prosecution for the applications are indicated in the table below.

<u>Serial Number</u>	<u>Examiner</u>	<u>Status</u>
10/406,109	Angebranndt	Final Action mailed 3/26/07
10/423,686	Angebranndt	Non-Final Action mailed 4/27/07
10/444,172	Davis	Issue Fee Paid (Issue date 6/12/07)
10/425,571	Castro	Patented case
10/637,407	Angebranndt	Final Action mailed 5/7/07
10/608,814	Angebranndt	Abandoned
10/748,979	Angebranndt	Non-Final Action mailed 6/7/07

10/684,981	Angebranndt	Final Action mailed 6/7/07
10/808,628	Mulvaney	Patented case
10/818,324	Heyi	Non-Final Action mailed 5/7/07
10/764,805	Angebranndt	Final Action mailed 4/4/07
10/613,525	Hess	Notice of Allowance mailed 5/31/07
10/612,615	Chen	Final Action mailed 3/13/07
10/792,083	Muhammed	Non-Final Action mailed 4/5/07

The Office Action observed that upon amendment of claim 1 to incorporate the features of claim 4, that “the amendment might obviate at least some of the double patenting rejections.” At this stage in prosecution, application 10/444,172 for which the issue fee has been paid, application 10/613,525 for which the Notice of Allowance has been mailed, and the patents issued from applications 10/808,628 and 10/425,571, are properly subject to having the provisional nature of the nonstatutory obviousness-type double patenting rejection removed. Applicants will file the requisite terminal disclaimers, or request reconsideration of the obviousness-type double patenting rejections, upon resolution of the patentability of the pending claims.

With respect to the remaining co-pending applications, it is respectfully submitted that since prosecution of these other co-pending applications is ongoing, and since none of these other co-pending applications have received a Notice of Allowance or have yet issued, the present application can be passed into allowance and issued without the filing of a terminal disclaimer to the remaining co-pending applications. Accordingly, the Applicants respectfully request that the provisional obviousness-type double patenting rejections with respect to the above-identified co-pending applications be withdrawn and that the pending claims be allowed.

4. Information Disclosure

Applicants request entry and consideration of the art identified in the Information Disclosure Statement (IDS) submitted May 11, 2007. The IDS was necessitated by the Examiner’s fourteen-way double patenting rejection, with which Applicants do not agree with. However, if the Examiner of the present application believes that the claims of the related cases are sufficiently similar to warrant a double patenting rejection, the art from the related co-

pending applications might be considered relevant by the Examiner. Accordingly, the art of record in the above-identified co-pending applications, if not already disclosed, are disclosed out of an abundance of caution and as a courtesy to the Examiner. This is the reason for the submission and the basis of relevance provided by Applicants.

4. Conclusion

In light of the above amendments and remarks, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that all pending claims 1-3, 7, 10, 13, 16, 19, 22, and 25 are allowable. Applicants, therefore, respectfully request that the Examiner reconsider this application and timely allow all pending claims. The Examiner is encouraged to contact Mr. Armentrout by telephone to discuss the above and any other distinctions between the claims and the applied references, if desired. If the Examiner notes any informalities in the claims, he is further encouraged to contact Mr. Armentrout by telephone to expediently correct such informalities. Enclosed is our check to cover the fee for a three-month extension of time, to June 11, 2007. No new matter has been added to the application. No fee for additional claims is due by way of this Amendment. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090. Upon entry of the amendments herewith, 1-3, 7, 10, 13, 16, 19, 22, and 25 remain pending.

Respectfully submitted,

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